

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JUAN QUINTANILLA VASQUEZ, et al.,

Plaintiffs,

v.

LIBRE BY NEXUS, INC.,

Defendant.

Case No. 17-cv-00755 CW

**ORDER FOR CIVIL CONTEMPT
SANCTIONS AGAINST OFFICERS AND
PRINCIPALS OF DEFENDANT LIBRE
BY NEXUS, INC.**

(Re: Dkt. No. 232)

For the reasons set forth in the Court's order granting in part and denying in part Plaintiffs' motion for an order holding the officers and principals of Defendant Libre by Nexus, Inc. (LBN), namely Micheal Donovan, Evan Ajin, and Richard Moore, in civil contempt and imposing civil contempt sanctions against them, the Court hereby orders as follows:

1. Attorneys' Fees for Plaintiffs' November 2022 Motion for Civil Contempt Sanctions Against Donovan, Ajin, and Moore. Within ten business days of the date this order is filed, Donovan, Ajin, and Moore, shall pay, on a joint and several basis, the \$74,952.00 for Plaintiffs' attorneys' fees in connection with their November 2022 motion for civil contempt sanctions against Donovan, Ajin, and Moore. These amounts shall be paid into a trust held by the settlement administrator and shall not be distributed to Class Counsel until cash distributions pursuant to the settlement agreement and the Court's orders are first made to members of the Former and Current Program Participant Payments Subclass and Sponsor Payments Subclass. For each day that Donovan, Ajin, and Moore fail to pay the \$74,952.00 amount as indicated herein, starting from ten business days from the date of this order, Donovan, Ajin, and Moore each shall pay a coercive fine of \$1,000 per day of continued noncompliance, which each of them shall pay to

the settlement administrator for the benefit of, and eventual distribution to, members of the Former and Current Program Participant Payments Subclass and Sponsor Payments Subclass.

2. Attorneys' Fees for Plaintiffs' 2021 Enforcement Motion and August 2022 Motion for Civil Contempt Sanctions Against LBN. Within ten business days of the date this order is filed, Donovan, Ajin, and Moore, shall pay, on a joint and several basis with LBN, (1) \$34,142.60 with interest¹ from July 30, 2021, to the present for the attorneys' fees Plaintiffs incurred in connection with their 2021 enforcement motion; and (2) \$53,021.60, with interest from October 17, 2022, to the present for the attorneys' fees Plaintiffs incurred in connection with their August 2022 motion for an order holding LBN in civil contempt. These amounts shall be paid into a trust held by the settlement administrator and shall not be distributed to Class Counsel until cash distributions pursuant to the settlement agreement and the Court's orders are first made to members of the Former and Current Program Participant Payments Subclass and Sponsor Payments Subclass. For each day that Donovan, Ajin, and Moore fail to pay the amounts indicated herein, starting from ten business days from the date of this order, Donovan, Ajin, and Moore each shall pay a coercive fine of \$1,000 per day of continued noncompliance, which each of them shall pay to the settlement administrator for the benefit of, and eventual distribution to, members of the Former and Current Program Participant Payments Subclass and Sponsor Payments Subclass.

3. Timely and In Full Payment Discount, Consecutive Payment Discount, Total Payment Cap, and Debt Relief Fund. For each day, as of the date of this order, that LBN fails to provide to Class Counsel, pursuant to the Court's orders of October 3, 2022, the business records and documents sufficient to show that it has implemented the Timely and In Full Payment Discount, Consecutive Payment Discount, Total Payment Cap, and Debt Relief Fund credits, as well as billing records and other documents sufficient to show the date on which LBN implemented the discounts, caps, and credits in question, Donovan, Ajin, and Moore shall each pay

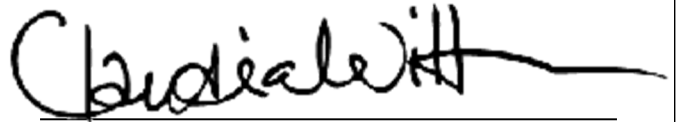
¹ Interest, for the purpose of complying with this order, shall be calculated "at a rate equal to the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding the date of the judgment." 28 U.S.C. § 1961(a). Interest shall be computed daily and shall be compounded annually. 28 U.S.C. § 1961(b).

1 a coercive fine of \$1,000 per day of continued noncompliance, which each of them shall pay to the
2 settlement administrator for the benefit of, and eventual distribution to, members of the Former
3 and Current Program Participant Payments Subclass and Sponsor Payments Subclass.

4 4. Any fine of \$1,000 per day that Donovan, Ajin, and Moore incur for
5 noncompliance, as set forth in this order, shall be cumulative (i.e., each \$1,000 per-day fine shall
6 be per *each* instance of noncompliance with respect to *each* of the subject matters described above)
7 and shall be in addition to any other judgment, fine, or fee imposed against Donovan, Ajin, and
8 Moore in this action.

9 IT IS SO ORDERED.

10 Dated: January 23, 2023



11 CLAUDIA WILKEN
12 United States District Judge
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